

Samuel A. Schwartz, Esq.  
Nevada Bar No. 10985  
Bryan A. Lindsey  
Nevada Bar No. 10662  
The Schwartz Law Firm, Inc.  
6623 Las Vegas Blvd. South, Suite 300  
Las Vegas, Nevada 89119  
Telephone: (702) 385-5544  
Facsimile: (702) 385-2741  
Attorneys for the Debtors

**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA**

In re: ) Case No.: 13-13969-BTB  
)  
Regal Property Holdings, Inc., ) Chapter 11  
)  
Richard N. Roberts and Jane S. Roberts, ) Joint Administration With:  
) Case No.: 13-13968-BTB  
)  
Debtors. ) Confirmation Hearing Date: January 23, 2014  
) Confirmation Hearing Time: 2:00 p.m.

**DECLARATION OF SAMUEL A. SCHWARTZ CERTIFYING  
VOTING ON AND TABULATION OF BALLOTS ACCEPTING  
AND REJECTING THE DEBTORS' PLAN OF REORGANIZATION**

SAMUEL A. SCHWARTZ, ESQ., being duly sworn, deposes and says:

1. I am the principal of The Schwartz Law Firm, Inc. ("SLF" or the "Firm"), 6623 Las Vegas Blvd. South, Suite 300, Las Vegas, Nevada 89119. I am authorized to make this declaration on SLF's behalf and unless otherwise indicated, I have personal knowledge of the facts set forth herein.

**The Balloting and Procedures Order**

2. On October 28, 2013, the Bankruptcy Court entered an Order approving the procedures (the "Voting Procedures") for the solicitation and tabulation of votes to accept or reject the First Amended Plan of Reorganization of Richard N. Roberts, Jane S. Roberts and

Regal Property Holdings, Inc. (the “**Plan**”).<sup>1</sup> On December 31, 2013, this Court entered an order approving the Debtors’ First Amended Disclosure Statement in Support of their Plan. In the Voting Procedures and Order approving the First Amended Disclosure Statement, the Bankruptcy Court, among other things:

- a. approved SLF as the voting and tabulation agent in connection with the solicitation and tabulation of votes on the Plan;
- b. approved certain solicitation procedures, vote tabulation rules, forms of ballots, and notice requirements regarding the solicitation of votes on the Plan;
- c. established January 9, 2014 (the “**Voting Deadline**”), as the last day by which SLF may receive Plan acceptances or rejections to the Plan; and
- d. authorized that any entity entitled to vote to accept or reject the Plan may change its vote by casting a superseding Ballot so that such superseding Ballot is actually received by SLF.

3. On December 31, 2013, SLF mailed solicitation packages in accordance with the Voting Procedures to all claim holders in anticipation of the January 23, 2014 confirmation hearing.

4. A Certificate of Service was filed with the Bankruptcy Court on January 2, 2014, indicating that the appropriate solicitation packages were mailed out on December 31, 2013. See Docket No. 260. SLF did not receive any solicitation packets as undeliverable.

#### **Classes Entitled to Vote**

5. In accordance with the Plan and the Voting Procedures, claim holders in Classes 1(a), 1(b), 2, 3, 5 and 6 were entitled to vote on the Plan.

---

<sup>1</sup> Capitalized terms not otherwise defined herein shall have those meanings ascribed to them in the Plan.

6. SLF tabulated votes on the Plan in accordance with the tabulation rules in the Voting Procedures and the Bankruptcy Court approved instructions on each Ballot. As of the date and time of this Declaration, SLF received 10 votes accepting the Plan and 4 votes rejecting the Plan, set forth in the following table:

Class	Creditor	Accept	Reject	Class %/Amount
1(a)	Secured Claim of Unicaja Bank			Did Not Vote
1(b)	Secured Claim of David Lawrence	X		100%
2	Secured Claim of Solbank			Did Not Vote
3	Secured Claim of Bank of America	X		100%
5	Stirling Mortimer Global Property Fund PCC Limited	X		100%
6	American Express Bank, FSB		X	\$4,292.48
	American Express Centurion Bank		X	\$52,494.79
	American Express Bank, FSB		X	\$24,486.66
	Edward Erath	X		\$30,000.00
	Stephen Baker	X		\$25,000.00
	Nicholas Shaw	X		\$148,122.00
	Tom Scardamaglia	X		\$20,000.00
	Lionel Sawyer & Collins	X		\$17,659.92
	Flaine Graf	X		\$15,000.00
	Discover Bank		X	\$3,595.15
	<u>Stephens Pest Control</u>	<u>X</u>		<u>\$190.00</u>
	Class 6 Total:	75.1%	24.9%	\$340,841.00

7. Accordingly, the Classes of Claims have either accepted or rejected the Debtor's Plan as follows:

8. In Class 1(b), the David Lawrence **ACCEPTED** the Plan.

9. In Class 3, Bank of America, N.A. **ACCEPTED** the Plan.

10. In Class 5, Stirling Mortimer Global Property Fund PCC Limited **ACCEPTED** the Plan.

11. In Class 6, the General Unsecured Creditors **ACCEPTED** the Plan. Specifically, eleven (11) general unsecured creditors voted on the Plan, in the total dollar amount of \$340,841.00. Seven (7) general unsecured creditors accepted the Plan with claims in the amount

1 of \$255,971.92, or 75.1% of the voting claims in Class 6, while four (4) general unsecured  
2 creditors rejected the Plan with claims in the amount of \$84,869.08, or 24.9% of the voting  
3 claims in Class 6. Therefore, the majority of creditors and two-thirds in dollar amount  
4 requirements are satisfied for Class 6 to be an accepting class.  
5

6 12. No other votes were received.  
7

8 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
9 and correct.  
10

11 Dated this 17th day of January, 2014.

12 /s/ Samuel A. Schwartz  
13 SAMUEL A. SCHWARTZ, ESQ.  
14 Nevada Bar No. 10985  
15 The Schwartz Law Firm, Inc.  
16 6623 Las Vegas Blvd. South, Suite 300  
17 Las Vegas, Nevada 89119  
18 Telephone: (702) 385-5544  
19 Facsimile: (702) 385-2741  
20 Attorneys for the Debtors  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34